

 <p style="text-align: center;">STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p style="text-align: center;">Policies & Procedures</p>	Authority: Wyoming Statute <u>W.S. 25-1-105(a)</u> ACA Standard <u>3-4344-1;3-4388</u>	Policy # 4.302 _____ : Section 4.3 _____ : Part IV _____ : Title: Offender Substance Abuse Testing, Sanctioning and Treatment
Approved: <u>Judith Uphoff /ss/</u> Director Date Approved: <u>02/13/02</u>	Effective Date: <u>March 1, 1998</u> Revision Date: <u>February 18, 2002</u> Supersedes Existing Policy # 4.302 eff. 02/18/00 Next Review Due: <u>February 18, 2003</u>	

I. Purpose

- A. To reduce substance use and recidivism among offenders and to increase public safety, offender accountability, correctional facility control and security.
- B. To establish guidelines for substance abuse testing of offenders who are in the custody of or under the supervision of the Wyoming Department of Corrections (WDOC).
- C. To establish graduated sanctions utilized by the WDOC to address substance abuse by offenders.
- D. To describe the treatment program(s) by which the WDOC addresses substance abuse by offenders.

II. Policy

It is the policy of the WDOC to aggressively control substance abuse by offenders through the use of substance abuse testing, graduated sanctions and treatment.

III. Definitions

- A. Adult Community Correctional Facility or Program (ACC): A community based or community-oriented facility or program which is operated pursuant to the Adult Community Corrections Act W.S. 7-18-101 through 7-18-115.

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

- B. Adulteration: To make the urine sample impure by mixing in a foreign material or by ingesting materials that will mask substances (defined below) in urine.
- C. Chain of Custody: The process of collection, storage, testing, and transportation of a urine specimen and the dissemination of test results in a manner that ensures the specimen and the results are correctly matched to the person who provided the specimen. The process will ensure the specimen is not altered or tampered with from the point of collection through the reporting of test results.
- D. Collection Personnel: A staff member who has received training on the WDOC substance abuse testing policy and procedure. Collection personnel who witness offenders providing a urine sample for urinalysis screening will always be the same gender as the offender providing the sample.
- E. Correctional Facility: Any adult correctional facility operated by the WDOC or correctional facilities and county jails under contract with the WDOC.
- F. District Supervisor: The supervisor of a district within the WDOC Division of Field Services.
- G. Intensive Supervision Program (ISP): A program established under W.S. 7-13-1102 which allows participants to live or work in the community under close supervision methods.
- H. Intensive Treatment Units (ITU): Substance abuse residential treatment units providing a modified therapeutic community program for chemically dependant inmates. The program complies with program and reporting requirements of the U.S. Department of Justice Residential Substance Abuse Treatment for State Prisoners Formula Grant Program.
- I. Offender: An adult who has entered a plea of guilty or has been convicted of a misdemeanor or felony and is committed to the custody or supervision of WDOC.
- J. Staff: **For this policy only.** Employees of the WDOC, employees of correctional facilities, jails, medical and service providers under contract with the WDOC, and employees of adult community correctional facilities.

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

K. Substance: Includes, but is not limited to, alcohol, opiates, cannabinoids, benzodiazepines, cocaine, methaqualone, barbiturates, amphetamine/methamphetamine, LSD, phencyclidine, inhalants and other drugs of abuse which have not been prescribed by a physician.

L. Urinalysis screening: Analysis of urine to determine the presence or absence of substances as defined above.

M. Warden/Superintendent: The facility head at each correctional facility.

IV. Procedure

A. Authorization for Substance Abuse Testing of Offenders

1. Intake testing:

- a. All offenders arriving at a correctional facility will be required to submit to a urinalysis screen at the time of their intake.
- b. All offenders arriving at an ITU are required to submit to urinalysis screening upon entry into the program.
- c. Offenders arriving at an adult community correctional facility will be tested for at least five (5) substances including alcohol. Testing will be completed within twelve (12) hours of arrival.
- d. All offenders who are granted probation or parole may be required to submit to a urinalysis screen upon commencement of supervision by the WDOC and/or at the commencement of an offender's participation in the Intensive Supervision Program.

2. Testing during treatment: All offenders participating in a substance abuse treatment program are subject to urinalysis screening on a random basis including a mandatory test prior to completion of the program. Additionally,

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

offenders in an ITU will be required to submit to testing for cause and random testing as specified below.

3. Testing for cause: All offenders will be required to submit to substance abuse testing if there is a reasonable suspicion the offender is under the influence of a substance. Situations which may also result in testing an offender for cause include, but are not limited to, the following:
 - a. the offender's probation/parole grant specifies the offender is prohibited from using substances and/or the offender must submit to substance abuse testing;
 - b. the offender has a history of substance abuse or has had a positive test result in the past;
 - c. the offender and/or the offender's visitor exhibits unusual, substance abuse-related behavior (e.g. staggering, slurred speech etc.);
 - d. the offender fails to attend a meeting with his counselor and/or probation/parole agent;
 - e. the offender reports he/she has ingested a substance(s);
 - f. the offender is found in possession of a suspected substance, or drug paraphernalia are found in an area occupied or inhabited by the offender;
 - g. a staff member receives information of substance abuse from a source whose reliability has been documented;
 - h. the offender is being considered for placement in a community based program such as work release or furlough;
 - i. the offender returns late from community release (e.g. furlough, work release, etc.).

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

4. Testing of offenders in the Intensive Supervision Program: In addition to testing at intake, during treatment, and for cause, offenders will be subject to substance abuse testing in accordance with the regimen specified in the Intensive Supervision Program Manual.
5. Testing of offenders in an adult community correctional facility or program:
 - a. All adult community correctional facilities and programs will have policies and procedures governing offender substance abuse testing, sanctions, and treatment.
 - b. In addition to testing at intake, during treatment, and/or for cause, all offenders shall be tested for at least two (2) substances per test (excluding alcohol). Tests shall be conducted at least twice per month, and the duration between urinalysis screening shall not exceed thirty (30) days.
 - c. All offenders will be tested at least once per week for alcohol use.
6. Random Testing: Approximately five percent (5%) of the total offender population of each WDOC correctional facility, out of state contract correctional facilities (five percent (5%) of the Wyoming inmates housed in the out of state correctional facility) and offenders under probation/parole supervision will be tested for substance abuse each month. Out of state contract correctional facilities will report monthly testing on the substance abuse testing report form and send it to the WDOC central office intensive supervision program supervisor. Offenders in adult community correctional facilities and the Intensive Supervision Program will be tested according to the procedure listed above.
 - a. Offenders selected for random testing will be chosen by the appropriate warden/superintendent, district supervisor or WDOC central office using a random selection process whereby the identity of the offender is not known by the selection personnel when the offender is chosen for testing. For example, by taking an alphabetical roster of offenders then starting with a arbitrary number (e.g. 5) and the corresponding name counting down from the top of the list, the selection person will choose every “5th” person on the list.

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

- b. The use of a computer generated random selection list is encouraged when possible.
- c. Other offenders may be selected for testing by the warden/superintendent, district supervisor or designee.
- d. Each time an offender's name is selected for testing, he/she will be tested regardless of how often the name is selected.

B. Urine Specimen Collection, Storage and Testing Procedures

- 1. Offenders must not be informed when urine specimen collections are scheduled.
- 2. The times when the process takes place must be staggered so as to avoid becoming predictable. Urinalysis screening may take place at any time, day or night.
- 3. An offender or offenders who are selected for testing will be assembled in an appropriate area by staff.
- 4. The offenders must be under constant observation by staff at all times.
- 5. Staff members are responsible for ensuring the chain of custody and testing of urine samples are in accordance with this policy.
- 6. Offenders are responsible for fully disclosing to staff information regarding any and all prescription or over-the-counter medications that they are taking. The use of medically approved prescribed medication must be verified by staff and made part of an offender's official record.
- 7. Prior to an offender providing a urine sample, the collection personnel must:
 - a. positively identify the offender through the use of a photograph or recognition by a staff member;

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

- b. have all necessary articles for collection, e.g. vials, cups, labels, rubber gloves, roster, and required forms;
 - c. ensure the urine specimen can not be adulterated by taking precautions which may include, but which are not limited to, the following:
 - (1) completing a thorough inspection of the area, removing the trash can and other unnecessary items before the offender enters;
 - (2) ensuring the collection site is clean, well lighted, and used solely for urinalysis testing during the collection process;
 - (3) prohibiting smoking or eating at the collection site;
 - (4) conducting a pat, strip or other appropriate search of the offender before entering the designated area where the urine specimen will be provided;
 - (5) having the offender wash his/her hands or wear rubber gloves prior to giving a specimen.
- 8. The collection personnel must wear rubber gloves during the collection and labeling process.
- 9. The collection personnel will follow the procedure specified by the manufacturer of the testing equipment or by the testing laboratory which will include the following:
 - a. The collection personnel will give the vial or collection cup to the offender and will directly observe the offender urinating into the container. If, for whatever reason, the collection personnel does not observe the offender urinating into the cup or vial, that sample will not be accepted.

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

- b. If a collection cup has been used, the offender will transfer the urine from the cup into the vial.
- c. The offender will cap the vial then discard the urine remaining in the cup.
- d. In the presence of the offender, the collection personnel will follow the protocol approved by the manufacturer of the testing equipment or testing laboratory and:
 - (1) complete all necessary logs, chain of custody forms, information sheets and sealing labels with the name of the offender, number, date, and time the specimen was collected;
 - (2) list the name of the collection personnel;
 - (3) list all prescription medication being taken by the offender;
 - (4) affix one label to the side of the vial and one label over the tightened cap of the vial in such a manner that it contacts both sides of the vial, thus sealing the cap to the vial.
- 10. The collection personnel must then place the sample in a secure area, until all samples have been collected. This area must be inaccessible to offenders.
- 11. Urine samples must be stored in leak proof containers.
- 12. Urine samples which cannot be tested within the time allowed by the manufacturer of the testing equipment or within the time allowed by the testing laboratory must be refrigerated or frozen.
- 13. Urine samples shall not be refrigerated/frozen for a time period exceeding that which is recommended by the manufacturer of the testing equipment or by the testing laboratory.
- 14. The collection personnel placing the specimen(s) in the refrigerator/freezer

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

will complete the log book, place forms in the refrigerator/freezer, and lock the refrigerator/freezer returning the key to a secure designated area.

15. Refrigerators and freezers used for the storage of urine specimens shall not be used for the storage of food or chemicals.
16. Collection personnel shall make arrangements for the transport of the sample to the testing laboratory as soon as possible in accordance with procedures required by the laboratory.
17. Tests done in correctional facilities shall be performed according to laboratory protocol established by the manufacturer of the testing equipment by staff who are trained in accordance with the manufacturers requirements. Documentation of this training shall be kept in the staff's personnel file.
18. Testing which is not performed at a correctional facility will be conducted at a qualified laboratory.

C. Inability/refusal to provide a urine sample

1. An offender unable to provide a specimen immediately upon being given a direct order by the collection personnel shall remain in a secured area under constant observation by a staff member until he/she complies or until one (1) hour has elapsed, whichever occurs first.
2. The offender may be given eight (8) ounces of liquid (e.g. water, coffee or soft drink) to drink every hour.
3. If an offender does not provide a specimen within one (1) hour of being ordered to do so, the offender shall be considered to be refusing to submit to substance abuse testing.
4. Refusal or failure to submit to substance abuse testing may be a violation of the probation/parole grant and is a violation of the Inmate Code of Discipline and the Adult Community Corrections Code of Discipline which may result

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

in disciplinary proceedings being initiated against the offender.

D. Other Substance Abuse Testing Procedures

1. Offenders may be substance abuse tested using an on-site urine screening procedure conducted according to the protocol approved by the manufacturer of the testing equipment.
2. Offenders may be substance abuse tested using regimens which do not require the offender to supply a urine sample using a screening procedure conducted according to the protocol approved by the manufacturer of the testing equipment. These substance abuse tests include, but are not limited to, hair tests and patch tests.

E. Reporting Results

1. All positive urine samples will be kept secured for at least seventy-two (72) hours after testing in a location designated by the warden/superintendent or qualified testing laboratory.
2. If an offender's substance abuse test is positive, staff, including medical personnel where available, will review the offender's records to determine what prescribed or over-the-counter medications the offender was taking at the time he/she submitted the urine sample. Staff will then consult with the testing site to discuss the possibility of a false positive result. This information will be documented in the offender's records with the date, time, staff member's name, and the name of the laboratory personnel who was contacted.
3. If there is no medical justification for the substance abuse test to be positive, the test will be confirmed by one of the following methods:
 - a. using an instrument/process that is at least as sensitive as the initial screening instrument/process.
 - b. written admission by the offender that is signed and witnessed.

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

4. The results of the substance abuse test will be forwarded to the appropriate warden/superintendent or designee, director of the adult community correctional facility or probation/parole agent for determination as to criminal proceedings, disciplinary action, or treatment intervention that may be warranted.
5. All records of test results will be made a part of the offender's record.
6. Contract facilities will complete the WDOC substance abuse testing report by the 7th of each month. This form will then be forwarded to the WDOC Central Office. The monthly report contains the following items:
 - a. total number of offenders tested;
 - b. total number of substance abuse tests completed;
 - c. total number of positive tests for each substance;

The report will be forwarded to the ISP coordinator who will prepare a quarterly analysis for Central Office review.

F. Sanctions for Substance Abuse

1. Every positive substance abuse test from an offender, which medical records cannot justify, will result in sanctions by staff and/or treatment for substance abuse.
2. Offenders in correctional facilities will be subject to the escalating range of sanctions according to the Inmate Code of Discipline in addition to the following when appropriate:
 - a. a recommendation to the Board of Parole to deny parole;
 - b. a recommendation to the Board of Parole to rescind parole;

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

- c. denial of placement in adult community corrections.
- 3. Adult community correctional facilities:
 - a. Offenders will be sanctioned according to the Adult Community Corrections Code of Discipline and the local community corrections board's specifications.
 - b. An offender's use of substances may result in termination from the program, extended time in the program, and, when applicable, the correctional facility may report the violation to the warden/superintendent of the sending correctional facility who may recommend the offender not be awarded special good time for a specified period of time.
- 4. Offenders in the Intensive Treatment Unit who use substances will be dismissed from the program.
- 5. Offenders in the Intensive Supervision Program will be sanctioned according to the specifications in the program manual.
- 6. Offenders on probation or parole are subject to an escalating range of sanctions which may be imposed separately or in conjunction with other sanctions. These sanctions include, but are not limited to, the following:
 - a. a verbal and/or written warning;
 - b. a verbal and/or written reprimand;
 - c. mandatory participation in and completion of individual and/or group counseling at the offender's expense;
 - d. an increase in the frequency of counseling sessions;
 - e. an increase in the number of urinalysis screens;

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

- f. enhancement of the offender to a higher supervision level including the Intensive Supervision Program and adult community corrections;
- g. mandatory participation in and successful completion of an intensive out-patient substance abuse treatment program at the offender's expense;
- h. mandatory participation in and successful completion of an in-patient substance abuse treatment program at the offender's expense;
- i. the return of the offender to the court or parole board for a review of the offender's placement status;
- j. a recommendation the offender's probation/parole be revoked, revoked and reinstated, or extended when appropriate.

G. Treatment

- 1. Each offender will be evaluated for substance abuse using a needs assessment instrument during the offender's initial classification.
- 2. The treatment provided will be according to an individual program plan or case plan based upon the frequency of the offender's substance abuse, the offender's substance of choice, dependency, history of prior treatment, amenability to treatment and other appropriate information as well as the counselor's, probation/parole agent's and/or case manager's judgement.
- 3. Program plans and case plans will be structured in such a manner as to provide a continuum of education and treatment programs for each offender as he/she proceeds through the various supervision and custody levels of the WDOC.
- 4. Participation in treatment by offenders in the custody of a correctional facility is voluntary; however, refusal to address substance abuse problems may be used as criteria for, but not limited to, denying transfers to a lower

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

custody level, denying participation in community based programs, or a recommendation to the Board of Parole that parole be denied.

5. Offenders will be selected for participation in the Intensive Treatment Unit according to the criteria and method outlined in the unit's policies and procedures.
6. Participation in treatment by offenders on probation or parole and in adult community correctional facilities may be mandatory:
 - a. when the offender has a history of substance abuse or has had a positive test result for substance abuse in the past;
 - b. when the offender admits to substance abuse or possession;
 - c. when staff has a reasonable/documented suspicion the offender used a substance;
 - d. when ordered by the court.
7. Depending upon the availability of services in the community, substance abuse treatment may include, but will not be limited to the following:
 - a. counseling services including individual, group, and family counseling;
 - b. substance abuse education programs;
 - c. recognized self-help programs such as Alcoholics Anonymous and Narcotics Anonymous;
 - d. intensive out-patient treatment;
 - e. in-patient treatment; and

<p>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p>Policies & Procedures</p>	<p>Title: Offender Substance Abuse Testing, Sanctioning and Treatment</p>	<p>Policy # 4.302</p> <p>Section 4.3</p> <p>Part IV</p>
--	--	--

f. aftercare treatment.

H. Training

1. All collection personnel shall receive initial basic training and in-service training thereafter.
2. Staff designated to test urinalysis samples shall be trained according to protocol established by the manufacturer of the testing equipment.
3. All training shall be documented in the staff's file.

V. Training Points

- A. When can an offender be substance abuse tested?
- B. What percentage of the total offender population of each correctional facility and offenders under probation/parole supervision are to be tested each month?
- C. Who is responsible for ensuring the chain of custody and testing of urine samples is in accordance with policy?
- D. Do staff wear rubber gloves during the collection and labeling of urine samples?
- E. Can a written admission by an offender, that is signed and witnessed, be used to confirm a positive drug test?

SUBSTANCE ABUSE TESTING REPORT

Facility: _____ **Month/Year:** _____

Field Office: _____

		RANDOM	FOR CAUSE OR TREATMENT
1.	Number of substance abuse tests required:		
2.	Number of substance abuse tests performed:		
3.	Number of positive tests received this month:		
4.	Number of negative tests received this month:		
5.	For those tests which were positive, how many for each substance:		
	Alcohol		
	Marijuana		
	Cocaine		
	Heroin and other opiates		
	Methamphetamine		
	Hallucinogens		
	Barbiturates		
	Amphetamines		
	Inhalants		
	Tranquilizers		

THE ABOVE-NOTED RESULTS ARE TO BE REPORTED MONTHLY PURSUANT TO WYOMING DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES #4.302, SECTION 4.3, PARAGRAPH E (6).

PLEASE MAIL RESULTS BY THE 7TH OF EACH MONTH

Return to: Wyoming Department of Corrections
 Central Office
 700 West 21st Street
 Cheyenne, WY 82002

Attn: Robert S. Doty
 ISP Coordinator

Effective: 03/07/2001